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Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 30, 2003
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By: Amelia Groth
Amelia Groth

Attorney Docket No: 407T-895820US
Client Ref: 99-174-3

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE CENTER 1600/2900

In re application of:

Ben Shen

Application No.: 09/477,962

Filed: January 5, 2000

For: BLEOMYCIN GENE CLUSTER
COMPONENTS AND THEIR USES

Examiner: Kathleen M. Kerr

Art Unit: 1652

26/D
D.G.
7/10/03

**AMENDMENT ACCOMPANYING
REQUEST FOR CONTINUED
EXAMINATION**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action mailed December 4, 2002, Applicants timely filed an amendment after final and a notice of appeal with a petition for extension of time on May 5, 2003. The amendment and notice of appeal was received by the USPTO on May 9, 2003, as evidenced by the date indicated in the Advisory Action mailed on May 29, 2003, indicating that the Notice of Appeal was filed on May 9, 2003 and that the accompany amendment was not entered. Accordingly, pursuant to MPEP § 1206, the date for filing an appeal brief or other appropriate action runs from May 9, 2003. Accordingly, this amendment and RCE is timely. This amendment and accompanying Request for Continued Examination (RCE) tolls the action clock in the subject case.

Applicants respectfully request reconsideration of the above-identified application in view of the following amendments and remarks. The following documents are enclosed herewith:

- 1) A Transmittal Sheet;
- 2) A Fee Transmittal Sheet;
- 3) A RCE (Request for Continued Examination);
- 4) A marked up copy of the claims;
- 5) A courtesy copy of the pending claims;